

REMARKS

Claims 1-27 were pending in the application when the Office Action was mailed May 28, 2009. The Office Action rejected all claims. No claims are amended, canceled, or added. Accordingly, claims 1-27 remain pending.

The Office Action rejected claims 1-27 under 35 U.S.C. § 103(a) over U.S. Patent No. 5,999,967 ("Sundsted") in view of U.S. Patent No. 6,146,272 ("Walker"). Applicants respectfully traverse the rejections.

A. The Applied References Neither Teach Nor Suggest Ticket Value Specification By A Sender

Claims 1-11 recite "the ticket having a value specified by a sender of a message." Claims 12-21 recite "the sender specifying a value for each message." Claims 22-27 recite "the ticket having a value that is specified by a sender." The Office Action points to nowhere in the applied references or anywhere else as teaching or suggesting these features. Thus, claims 1-27 are patentable over the applied references.

B. The Applied References Neither Teach Nor Suggest Conditional Redemption

Claims 1-11 recite "the recipient can conditionally redeem the value of the ticket from the ticketing entity." Claims 12-21 recite "allows a recipient to conditionally redeem tickets from the ticketing entity." Claims 22-27 recite "a recipient can conditionally redeem tickets." According to the Office Action, Sundsted neither teaches nor suggests these features, but Walker does. (Office Action, Page 4.) The Office Action points to Figures 4 and 10 and Walker's Abstract. However, Walker's technique is not at all conditional redemption. Walker's "conditional lottery ticket system permits a player to purchase conditional lottery tickets that are not activated until one or more player-defined activation conditions are satisfied." (See Abstract.) Also, according to Figure 10, the lottery ticket is activated if and only if an activation condition is satisfied. This is completely the opposite of applicants' technology, in which the recipient receives the

message whether or not the recipient chooses to redeem the ticket. Thus, claims 1-27 are patentable over the applied references.

C. The Applied References Cannot Be Combined

According to the Office action, Sundsted can be combined with Walker "because it is an efficient means for processing conditional lottery ticket transactions." (Office Action, Page 4.) However, applicants' technology has nothing to do with lottery tickets. Sundsted and Walker are in two completely different art areas (see the respective patents' Fields of Search).

Moreover, the references cannot be combined because Sundsted teaches away from the combination. At 7:8-10, Sundsted specifically states that "[t]he receiver [of stamped electronic mail] must bill the sender for the agreed amount if he accepts the electronic mail." (Emphasis added.) As discussed above, Walker neither teaches nor suggests conditional redemption. Even if it did, the references cannot be combined because Sundsted specifically teaches away from conditional redemption. (See MPEP §§ 2141.02(VI), 2143.01, and 2145(X)(D)(2).) Accordingly, the references cannot be combined and claims 1-27 are patentable over the applied references.

D. Conclusion


The claims each recite a novel combination of elements that is neither taught nor suggested by the applied references and so cannot be properly rejected under 35 U.S.C. §§ 102 or 103. Applicants reserve their rights to respond in the future to any rejections not specifically responded to above.

Based on these amendments and remarks, applicants respectfully request early allowance of this application. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6478.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 418268004US from which the undersigned is authorized to draw.

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Respectfully submitted,

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